

STATE OF ILLINOIS

BEFORE THE

ILLINOIS COMMERCE COMMISSION

VILLAGE OF TILTON,)
VERMILION COUNTY, ILLINOIS,)
)
Petitioner,)
)
vs.)
)
NORFOLK SOUTHERN RAILWAY COMPANY,)
)
and)
)
CSX TRANSPORTATION, INC.,)
)
and)
)
STATE OF ILLINOIS)
DEPARTMENT OF TRANSPORTATION,)
)
Respondents.)

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Illinois Commerce Commission
RAIL SAFETY SECTION

NO. T00-0103

Petition for an Order regarding a separation of grades and construction of a new bridge and replacement of an exist bridge carrying 14th Street (FAU 7010), Village of Tilton, Vermilion County, Illinois, over the tracks of said Norfolk Southern Railway Company and CSX Transportation, Inc. respectively, apportioning cost thereof and directing an appropriate portion thereof to be borne by the Grade Crossing Protection Fund.

MOTION FOR AMENDMENT OF AN INTERIM ORDER

NOW COMES the Village of Tilton, Vermilion County, Illinois, Petitioner, by its attorneys, SCHUERING & KERLEY, P.C., DANIEL P. SCHUERING appearing of record, and moves the Commission for

Amendment of an Interim Order, and in support thereof states as follows:

1. The original Petition of the Petitioner was filed in this matter on October 16, 2000, requesting an Order of the Commission to construct dual highway overpass structures carrying 14th Street in the Village of Tilton over the tracks of the Norfolk Southern Railway Company and CSX Transportation in the Village.

2. On May 1, 2001, the Petitioner presented evidence and exhibits regarding the feasibility and preliminary engineering for the project.

3. On December 7, 2001, the Commission entered its Order granting permission to the parties to proceed with the project as set forth in the Order including the performance of preliminary engineering for the project.

4. On December 24, 2001, adjacent to the proposed project site, an abandoned mine shaft subsided and collapsed exposing an opening of approximately 91 square feet.

5. On February 21, 2002, the Petitioner presented evidence regarding the existence of an abandoned mines beneath the proposed project site, beneath the railroad right-of-way of Norfolk and Southern Railway Company and beneath the railroad right-of-way of CSX Transportation.

6. As a part of said testimony, the Petitioner's engineers

testified that the performance of appropriate and necessary studies and inquiries to determine the existence, nature, extent and corrective action necessary concerning said abandoned mines will add \$283,400.00 to the Phase I Preliminary Engineering Cost.


WHEREFORE, Petitioner, Village of Tilton, Vermilion County, Illinois, hereby moves this Commission to:

- A. Amend its Interim Order entered in this matter on December 5, 2001, by increasing its estimated cost for preliminary engineering in Phase I by the amount of \$283,400.00;
- B. That the Order be further amended to authorize the payment of such increased cost from the Grade Crossing Protection Fund; and,
- C. That such other amendments to the Interim Order be made to grant such relief as the Commission may determine is necessary or appropriate in connection therewith.

Respectfully Submitted:

VILLAGE OF TILTON

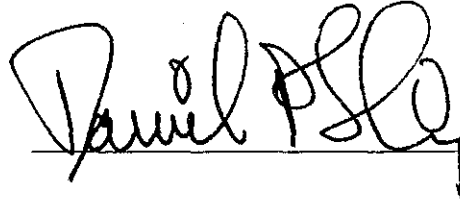
BY: SCHUERING & KERLEY, P.C.

BY: 
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PROOF OF SERVICE

THE UNDERSIGNED certifies that a copy of Petitioner's MOTION FOR AMENDMENT OF AN INTERIM ORDER was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope by Hand Delivery on February 21, 2002, addressed to such attorneys at their business address as disclosed by the pleadings of the record herein.



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